REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE:

February 17, 2012

ANALYST:

Quy Vuong

I. COMMITTEE:

Johnson & Johnson Political Action

Committee (C00010983)

Donald W. Bohn, Treasurer One Johnson & Johnson Plaza New Brunswick, NJ 08933

II. RELEVANT STATUTE:

2 U.S.C. § 434(b)(2) & (4) 11 CFR § 104.3(a) & (b)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

Johnson & Johnson Political Action Committee ("the Committee") amended its 2011 February Monthly and 2011 March Monthly Reports to disclose additional receipts of \$55,962.95 and additional disbursaments of \$96,065.51, which were not disclosed on the original reports (Attachments 1 & 2).

2011 February Monthly Report

On February 22, 2011, the Committee filed the original 2011 February Monthly Report covering the period January 1, 2011 through January 31, 2011. The report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) and \$0.00 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals) of the Detailed Summary Page. The report also disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures), \$0.00 in disbursements on Line 23 (Contributions to Federal Cataliantes/Committees Other Political Committees), \$0.00 in disbursements on Line 28(a) (Refunds of Contributions to Individuals/Persons Other Than Political Committees), and \$0.00 in disbursements on Line 29 (Other Disbursements) of the Detailed Summary Page (Images 11990234074-75).

On March 18, 2011, the Committee filed an Amended 2011 February Monthly Report. The report disclosed \$2,553.00 in receipts on Line 11(a)(i) and \$36,913.40 in receipts on Line 11(a)(ii) of the Detailed Summary Page, a total increase in receipts of \$39,466.40 from the original report (Attackment 3). The report also disclosed \$84,500.00 in disbursements on Line 23 and \$30.00 in disbursements are Line 28(a) of the Detailed Summary Page (Images 11990314508-09).

On July 6, 2011, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2011 February Monthly Report, received March 18, 2011. The RFAI requested clarification regarding the substantial increase in receipts and disbursements that were not disclosed on the original Ring (Image 1133001†221).

On sugart 4, 2011, the Committee filed a Missessurcom Electrosic Submission ("Form 99") in response to the RFAI. In part, the Committee stated:

"We are submitting this Form 99 in response to your letter dated July 6, 2011, wherein you requested more information regarding Johnson & Johnson PAC?) amended 2011 February Monthly Report, filed on March 18, 2011. In particular, you requested clarifying information regarding the report?s substantial increase in the amount of receipts and disbursements from those disclosed on the original report. Due to a technical glitch in our PAC reporting suffwart, we wan smable to populate the February mustifly report with the January receipt and contribution information prior to the repect?s Fubruary 20, 2011 deadling. Once the problem was identified and corrected, we submitted an amended report on March 18, 2011, prior to filing our March monthly report. There was never any intention on our part to not disclose Johnson & Johnson PAC?s January activity in a timely manner" (Image 11932149235).

On October 3, 2011, the Committee filed an Amended 2011 February Monthly Report. In addition to the activity disputed in the previous aroundment, the report also disclosed \$11.56 in disbussements on Line 21(b) and \$2,000.00 in disbussements on Line 29 of the Detailed Summary Page, a total increase in disbursements of \$86,541.56 from the original report (Images 11952493656-57, Attachment 4).

2011 March Monthly Report

On March 18, 2011, the Committee filed the original 2011 March Monthly Report covering the period February 1, 2011 through February 28, 2011. The report disclosed \$3,931.23 in receipts on Line 11(a)(i), \$15,208.73 in receipts on Line 11(a)(ii), and \$0.00 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page. The report also disclosed \$0.00 in disbursements on Line 21(b) and \$32,500.00 in disbursements on Line 23 of the Detailed Summary Pages (Images 11990314774-75).

On October 2, 2011, the Committee filed an Amended 2011 March Monthly Report. The report disclosed \$8,090.94 in receipts on Line 11(a)(i), \$30,528.48 in

receipts on Line 11(a)(ii), and \$17.09 in receipts on Line 17 of the Detailed Summary Pago, a total increase in receipts of \$19,496.55 from the original report (Attachment 3). The report aims disclosed \$23.95 in disbursements on Line 21(b) and \$42,000.00 in disbursements on Line 23 of the Detailed Summary Page, a total increase in disbursements of \$9,523.95 from the original report (Images 11952498157-58, Attachment 4).

On October 28, 2011, an RFAI was sent to the Committee referencing the Amended 2011 March Monthly Report, received on October 3, 2011. The RFAI requested clarification regarding the substantial increase in receipts and disbursements on the Amended 2011 February Monthly and Amended 2011 March Monthly Reports that were not disclosed on the original filings (Images 11330015277-79).

On Duncmker 2, 2011, the Committee filled a Rorm 99 in response to the RFAI. The Committee stated:

"This is in response to the RFAI dated 10/28/2011 with regards to the amended February monthly filing and the March monthly filing, specifically the increase in the amount of receipts from the original reports. Due to an technical error on the part of an outside vendor, the receipts were not uplouded into our softwan; with the correct dates. This error has been corrected and the reports were amended to reflect the correct respirts" (Image 11953025621).

On January 26, 2012, the Reports Amilyais Division (RAD) Analyst called Calvin Reese, a consultant for the Committee. The RAD Analyst informed Mr. Reese that the increases in activity on the amended reports referenced in the RFAI would be referred for additional action. The RAD Analyst explained that the Committee could disclose additional information regarding the increase in activity on the public record if they wished to do so (Attachment 5).

Subsequently on January 26, 2012, January Thomas, a consultant for the Committee, called the Analyst assenting the apparent violations being anistred for additional activity on the amended reports was being referred for additional action since the Committee had provided an explanation. The Analyst explained to Ms. Thomas that the Committee's response was not adequate and that the Committee could provide any additional information regarding the increase in activity on the public record. Ms. Thomas wanted to know which office would handle the matter and the Analyst told her that it had not been determined at this time. The Analyst stated that the appropriate office would contact the Committee once the referral moved forward (Attachment 5).

¹ The chart attached to the KFAI contained mathematical errors: it incorrectly disclosed the increase in disbusquents on the Amended 2011 lightnessy hibsthiy Report as 204,547.56, and the total increased activity for both amended reports as \$155,028.46.

On February 2, 2012, Ken Gross, counsel for the Committee called the Analyst regarding the referable issues. He explained that the increase in activity was due to a vendor error and also due to the illness of an employee who normally files the Committee's reports. The Analyst informed Mr. Gross that the Committee could disclose these circumstances on the public record. Mr. Gross then asked for the current status of the issue and which office would be handling it. The Analyst informed Mr. Gross that he could not comment on the internal progress of the matter, but that the appropriate office would contact the Committee once they receive the referral (Attachment 5).

To date, no further communications have been received from this Committee regarding these matters.

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		M2 N 220/2008 20 2883/2238892 1/1/2009 1/31/2009 \$85,499 \$43,767 \$88,942	1 NZ N 2202008 20 29932239892 1/1/2009 1/3/1/2009 595,499 \$43,767 \$98,942 \$70,324 -1	MZ N 2720/2009 20 29532239892 1/1/2009 1/31/2009 570,324 570,324 543,499 543,767 568,942 570,324 543,463 570,324 543,563 570,324 543,563 570,324 570	MZ N 220/2009 20 295322348992 1/1/2009 1/3	MZ N 27002009	MZ N 27002009	MZ	MZ	MZ	MZ	MZ	MZ	MZ	MZ	M2	NZ	NE	MZ	NZ	NZ	M2	NZ N 2702/2009 20 2995/2296922 1/1/2009 1/3/1/2009 599/4/2009 543,767 599/4/2 570/224 1/1/2009 1/3/1/2009 1/3/1/2009 279/2/2009 543,767 599/4/2 570/2/24 543,660 543,767 589/4/261 571,403 -1/3/2/2009 -1/3/2/2009 279/	NAZ N 2720/2006 20 29652239692 1/1/2009 1/31/2009 1/	NK	NK	No.	MA	M2	MA	Mai	MA	MA	MA	No. \$7,0000 \$2,00000 \$2,000000000000000000000000000000000000	Mail	No. 20070700 20 200502000 20 200502000 20 2	RG N SECURIOR SECURISER 11/10/2009 TOTAL DESCRIPTION SECURISER TOTAL DESCRIPTION TOTAL DESCRIPTION <td>NA STATIONOM 20 STATION STATIO</td> <td> March Marc</td> <td> Heat N \$7120000 20 2855252555 717200 </td> <td> March Marc</td> <td> Mail</td> <td> Mar. A \$252000</td> <td> March Marc</td>	NA STATIONOM 20 STATION STATIO	March Marc	Heat N \$7120000 20 2855252555 717200	March Marc	Mail	Mar. A \$252000	March Marc

Johnson & Johnson Political Action Committee (C00010983)

Overview of Additional Receipts

Report Name	Total Additional Rechipt	Line Number(s)
2011 February Monthly Report, received 2011 February Monthly Report, received 10/3/11	\$39,466.40	11(a)(i), 11(a)(ii)
2011 March Monthly Report/Amended 2011 March Monthly Report, received _10/3/11	\$19,496.55	11(a)(i), 11(a)(ii), 17
ីឈុន ដែលស្រីពីណ៍នៅកស្មានមនុល្	7	

Overview of Additional Disbursements

<u>a</u> i Re.∃1: E	Total Additional Disbursements	Line Number(s)
2011 February Monthly Report/Amended 2011 February Monthly Report, received 10/3/11	\$86,541.56	21(b), 23, 28(a), 29
2011 March Monthly Report/Amended 2011 March Monthly Report, remived 10/3/11	\$9,523.95	21(b), 2 3
	i⊒ sasanagaya T⊒	

Total Increase in Activity on Amended Reports: \$155,028.46

Johnson & Johnson Political Action Committee (C00010983)

Additional Receipts by Line Number

2011 February Monthly Report/Amended 2011 February Monthly Report, received 10/3/11

Report Line	2011 February Montl' Feport (****150********************************	Amended 2011 February Marth Report, received 10/3/11 Amage 11952498656)	Variance
Line 11(a)(i): Itemized Contributions from Individuals	\$0.00	\$2,553.00	\$2,553.00
Line 11(a)(ii): Uniternized Contributions from Individuals	\$0.00	\$36,913.40	\$36,913.40
		Masal Vindanas	320,000,00

2011 March Monthly Report/Amended 2011 March Monthly Report, received 10/3/11

25 pour 13 lude gr <u>eet a</u>	2014 March Monthly 2 m. (44 18 11990314774)	Amended 2011 March Monthly = $\frac{(e_1 p_0)^{1/2} (e_2 g_0)^{1/4}}{10/3/11}$ (*mage: = 119524081571 =)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$3,931.23	\$8,090.94	\$4,159.71
Line 11(a)(ii): Unitemissal Contributions from Individuate	\$15,208.73	\$30,528.48	\$15,319.75
Line 17: Other Federal Receipts	\$0.00	\$17.09	\$17.09
		Wandwiths	557949655

Johnson & Johnson Political Action Committee (C00010983)

Additional Disbursements by Line Number

2011 February Monthly Report/Amended 2011 February Monthly Report, received 10/3/11

10/3/11			
Report Line	2011 February Month! - Pepart (155age 1199023407\$)	Amended 2011 February Fetth 17 Report, received 10/3/11 (Image 11952498657)	Variance II A) jount
Line 21(b): Other Federal Operating Expenditures	\$0.00	\$11.56	\$11.56
Line 23: Contributions to Federal Candidates/Committ ees Other Political Committees	\$0.00	\$84,500.00	\$84,500.00
Line 28(a): Refunds of Contributions to Individuals/Persons Other Than Political Committees	\$0.00	\$30.00	\$30.00
Line 29: Other Disbursements	\$0.00	\$2,000.00	\$2,000.00
		John Wicking	OF MERCORE

2011 March Monthly Report/Amended 2011 March Monthly Report, received 10/3/11

Report Line	2011 March Monthly Report (Image	Amended 2011 March Monthly Report, received $= \frac{\sum_{j=1}^{N_{j+1}} \sum_{j=1}^{N_{j+1}} \sum_{j=1}^{N_{j+1}$	Variance Amount
Line 21(b): Other Federal Operating Expenditures	\$0.00	\$23.95	\$23.95
Line 23: Contributions to Federal Candinates/Committees Other Political Committees	\$32,500.00	\$42,000.00	\$9,500.00
		Total Variance	\$9:523.95